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BANGALORE, WEDNESDAY, OCTOBER 29, 1975
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No. 3875

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 90 LCA 1975.

Bangalore, dated the 28th October 1975.

Ordered that the Maintenance of Internal Security (Third Amendment) Ordinance, 1975 (No. 16 of 1975) published in Part II, Section I of the Gazette of India Extraordinary, dated 17th October 1975 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

B. NAGESHA RAO,
Under Secretary to Government,
Dept. of Law and Parliamentary Affairs.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 17th October, 1975/Asvina 25, 1897 (Saka)

THE MAINTENANCE OF INTERNAL SECURITY (THIRD AMENDMENT) ORDINANCE, 1975.

No. 16 OF 1975

Promulgated by the President in the Twenty-sixth Year of the Republic of India.

An Ordinance further to amend the Maintenance of Internal Security Act, 1971.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Maintenance of Internal Security (Third Amendment) Ordinance, 1975.

(2) Sub clause (*iii*) of clause (b) of section 2 shall come into force at once and the remaining provisions of this Ordinance shall be deemed to have come into force on the 29th day of June, 1975.

2. **Amendment of Section 16A.**—In section 16A of the Maintenance of Internal Security Act, 1971 (26 of 1971),—

(*a*) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) In making any review, consideration or re-consideration under sub-section (2), sub-section (3) or sub-section (4), the appropriate Govern-

ment or officer may act on the basis of the information and materials in its or his possession without communicating or disclosing any such information or materials to the person concerned or affording him any opportunity of making any representation against the making under sub-section (2) or the making or confirming under sub-section (3), or the non-revocation under sub-section (4), of the declaration in respect of him".

(*b*) in sub-section (7), in clause (i),—

(*i*) in the opening portion, for the words "the following sub-section", the words "the following" shall be substituted ;

(*ii*) in sub-section (3), as substituted by that clause, for the words "forward to the Central Government a report in respect of the order", the words "report the fact to the Central Government" shall be substituted;

(*iii*) after sub-section (3) aforesaid, the following shall be inserted, namely :

"(4) At any time after the receipt of a report under sub-section (3), the Central Government may require the State Government to furnish to the Central Government the grounds on which the order has been made and such other particulars as, in the opinion of the State Government have a bearing on the necessity for the order.";

(*c*) after sub-section (7), the following sub-sections shall be inserted, namely :—

"(8) in the case of any person in respect of whom a declaration has been made by a State Government under sub-section (2) or a declaration has been made by a State Government or an officer subordinate to it or confirmed by the State Government under sub-section (3), or a declaration has not been revoked by a State

Government under sub-section (4), the Central Government may, whenever it considers it necessary so to do, require the State Government to furnish to the Central Government the information and materials on the basis of which such declaration has been made or confirmed or not revoked, as the case may be, and such other information and materials as the Central Government may deem necessary.

(9) Notwithstanding anything contained in any other law or any rule having the force of law,—

(*a*) the grounds on which an order of detention is made under sub-section (1) of section 3 against any person in respect of whom a declaration is made under sub-section (2) or sub-section (3) and any information or materials on which such grounds or a declaration under sub-section (2) or a declaration or confirmation under sub-section (3) or the non-revocation under sub-section (4) of a declaration are based, shall be treated as confidential and shall be deemed to refer to matters of State and to be against the public interest to disclose and save as otherwise provided in this Act, no one shall communicate or disclose any such ground, information or material or any document containing such ground, information or material;

(*b*) no person against whom an order of detention is made under sub-section (1) of section 3 shall be entitled to the communication or disclosure of any such ground, information or material as is referred to in clause (a) or the production to him of any document containing such ground, information or material."

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secretary to the Government of India.